IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 14TH DECEMBER 2006 / 23RD AGRAHAYANA 1928

**WP(C).No. 27433 of 2006(N)**

PETITIONER:
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KAJA, S/O.LATE KAMARUDHIN,
AGED 37 YEARS, KAMAR MANSIL,
CHULLIMADA, KANJIKKODE P.O., PALAKKAD(DT).

BY ADV. SRI.BINOY VASUDEVAN

RESPONDENTS:
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1. THE DISTRICT COLLECTOR (TAHSILDAR,(LA),
K.S.I.D.C., PALAKKAD).

2. THE KERALA STATE INDUSTRIAL
DEVELOPMENT CORPORATION REPRESENTED
BY ITS MANAGING DIRECTOR, THIRUVANANTHAPURAM.

R2 BY ADV. SRI.V.JAYAPRADEEP, SC, KSIDC
GOVERNMENT PLEADER SRI..L.G.SURESH BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## APPENDIX

**PETITIONER'S EXHIBIT**S:

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|---|---|
| EXT.P1 | TRUE COPY OF THE APPLICATION UNDER S.28A SUBMITTED BY FATHIMA BEEVI AND OTHERS BEFORE THE FIRST RESPONDENT. |
| EXT.P2 | TRUE COPY OF THE POSTAL RECEIPT DATED 28.10.2003. |
| EXT.P3 | TRUE COPY OF THE POSTAL ACKNOWLEDGEMENT CARD DATED 30.10.2003. |

**RESPONDENTS' EXHIBIT**S: NIL

//TRUE COPY//

ahz/

**K.T. SANKARAN, J.**

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**W.P.(C).NO. 27433 OF 2006**

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**Dated this the 14th day of December,2006**

**JUDGMENT**

The land belonging to the petitioner, his mother, brothers and sister, comprised in Sy.Nos.594/1, 595/3, 601/3 and 601/1 of Pudussery central village of Palakkad taluk was acquired for the purpose of the Kerala State Industrial Development Corporation. On 4.4.1996 award was passed. In respect of the lands acquired under the same notification and for the same purpose, it is stated that, L.A.R.No.94 of 1996 was pending before the Sub Court, Palakkad. L.A.R.No.94 of 1996 was disposed of on 11.4.2003 and the compensation was enhanced. The petitioner submitted Ext.P1 application to the first respondent under Section 28A of the Land Acquisition Act. Ext.P1 application is dated 28.10.2003. Certified copy of the judgment in L.A.R.No.94 of 1996 was also

produced along with Ext.P1. Ext.P2 is the postal receipt for having sent Ext.P1 by registered post. Ext.P3 is the acknowledgement card which shows that the article was received on 31.10.2003 by the first respondent. Petitioner states that Ext.P1 application has not been disposed of by the first respondent so far. The prayer in the Writ Petition is for the issue of a writ of mandamus or other appropriate writ, direction or order commanding the first respondent to dispose of Ext.P1 application expeditiously.

2. The Writ Petition was admitted on 18.10.2006 and it came up for hearing on 14.11.2006. The case was directed to be posted for hearing. When the Writ Petition is taken up for hearing today, learned Government Pleader submitted that he has not received instructions in the matter. There is no justification for the first respondent in not giving instructions in the matter

to the Government Pleader. I am of the view that there is no point in keeping the Writ Petition pending any further.

3. In the facts and circumstances stated in the Writ Petition, there will be a direction to the first respondent to dispose of Ext.P1 application within a period of three months after giving notice to the petitioner and after affording him an opportunity of being heard.

The Writ Petition is allowed as indicated above.

**(K.T.SANKARAN)**
**Judge**

ahz/

**K.T.SANKARAN, J.**

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**CRL.M.C.NO. OF**

**O R D E R**

September, 2006

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